



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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December 28, 2006

EMS Transmission – 12/28/2006  
Instruction Memorandum No. NM-2007-012  
Expires: 09/30/2008

To: DMs and FM's  
Attention: Wildlife Staffs

From: Deputy State Director, Resources

Subject: Interagency Cooperation for Proposed Species such as the Northern Aplomado Falcon  
(*Falco femoralis septentrionalis*)

**Program Areas:** Wildlife, Threatened and Endangered Species.

**Purpose:** Provide District Office/Field Office specific guidance on the process for interagency cooperation for proposed species under Section 7 of the Endangered Species Act.

**Authority:** Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended.

**Policy/Action:** Effective immediately, for BLM actions that May Affect, Not Likely to Adversely Affect a proposed species, send an informational courtesy letter to the Fish and Wildlife Service (FWS) that describes the action and documents the thought process to support the effect determination but does not request a reply. Few, if any, authorized or approved actions should result in a determination of May Affect, Likely to Adversely Affect a proposed species. In those cases, formal conferencing is required.

**Budget Impact:** No impact is anticipated from this Instruction Memorandum.

**Background:** Section 7 of the Endangered Species Act applies to all discretionary BLM actions that may affect listed or proposed species.

BLM policy (Manual 6840.06B) states that "BLM shall manage species proposed for listing as threatened or endangered and proposed critical habitat with the same level of protection provided for listed species and designated critical habitat except that formal consultations are not required. Specifically, the BLM shall confer with the FWS and/or NMFS on any action that is likely to adversely affect a proposed species or proposed critical habitat." The manual is silent as to any obligation for BLM actions that May Affect, Not Likely to Adversely Affect a proposed species.

BLM New Mexico will continue to implement our obligations under existing Biological Opinions. And, we will continue to ensure that authorized or approved actions are consistent with the conservation needs of the species and the ecosystems on which they depend.

Aplomado falcon were designated a nonessential experimental population on July 26, 2006, under section 10(j) of the Endangered Species Act. Species with this designation are considered a “proposed” species for purposes of compliance with Section 7 of the Act.

**Manual Sections Affected:** Special Status Species Management – 6840.

**Contact:** Direct any questions regarding this guidance to Vicki Herren, Endangered Species Program Lead, at 505-438-7516, [vicki\\_herren@blm.gov](mailto:vicki_herren@blm.gov).

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